

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair, Joan Duff, members Jay Doherty, Vincent Chiozzi (arrived at 7:39 p.m.), Eric Macaux and Lelani Loder; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

80 Andover Street:

The Board opened the public hearings that were continued from the June 26th meeting on an application by Continental Wingate Development Company for a Special Permit for Major Non-Residential Project for the construction of a 56,904 sf free-standing addition. Ms. Duff informed the Board that a letter was received from Rick Feldman, representative for the applicant, requesting that the Board continue the hearing without discussion to the meeting on September 11, 2012. Mr. Macaux made a motion seconded by Mr. Doherty to continue the public hearing on 80 Andover Street to the Board's meeting on September 11, 2012 at 7:30 p.m. **Vote:** Unanimous (4-0)

Other Business:**Town Meeting Review:**

Mr. Materazzo gave an overview of the articles that Planning staff are working on for Annual Town Meeting 2013. These initiatives include the Franciscan Overlay District, ID Amenities, street acceptance, 40R overlay (Town Yard), cell tower amendment and removing the take-out special permit for take-out only restaurants. The Franciscan Overlay Task Force has a draft overlay in place specifically for the area that encompasses the Franciscan Center and abutting properties which totals about 115 acres. The goal of the overlay is to provide independent, assisted living for the age group of 62 and older. The Board of Selectmen has recently been given an update on the working draft and has been informed that it would most likely be presented at this spring's Town Meeting. Mr. Materazzo let the group know that the Planning division will also revisit the Town Yard situation at Town Meeting. Ms. Duff asked if the Town Yard was now being addressed by the Board of Selectmen. Mr. Materazzo replied that it is a two part issue. One issue is what to do with the land of the current Town Yard when it moves which was addressed two years ago when the Task Force worked with the Planning Board and the Cecil Group to craft the 40R Smart Growth Overlay District. The Selectmen are picking up where the Task Force left off, looking at all of the sites, and deciding what the feasibility is of moving to each location.

Mr. Materazzo stated that Ms. Byerley has suggested that take-out be removed from the special permit criteria. A strictly take-out restaurant already follows guidelines of the Board of Health and Ms. Byerley doesn't see a need for additional scrutiny. These establishments don't require long term parking spaces and the Building Inspector will review any renovations that take place inside of the building. Ms. Duff questioned if the Board of Health is fine with this. Ms. Byerley explained that it would not be presented to the Board of Health or any other Departments or Boards until she received the Planning Board's okay to work on this. Ms. Byerley explained that this past Town Meeting, it was voted that take-out at sit down restaurants be allowed as an accessory use without a special permit.

Mr. Materazzo reviewed the ID Amenities group's work in trying to provide flexibility in the ID/IA zoning districts. The group has identified several uses including personal service, retail,

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convenience, grocery store, medical/clinic, restaurants and indoor recreation establishments as uses that can be complimentary services to employment clusters and areas off of interchanges. It is getting harder for businesses to attract talent out of Boston when there are no amenities around the businesses. The special permit criteria would make this a discretionary permit by the Board. The Board could deny any business based on it not fitting into the character of the community. Mr. Materazzo explained that it has been proposed that a good idea would be to mimic the mixed use requirements to put a threshold on square footage. The working group is starting to investigate the square footages of the different types of uses and tailor them to that threshold. It is the idea of the working group that the planning board would be given the authority, tools and flexibility to allow a developer to go above this threshold if they meet all of the special permit criteria. Revision of the ID amenities may be tiered in two phases with the first phase being medical/clinic, restaurant and indoor recreational establishment which are seen as complimentary services to the ID districts. The second phase of uses -- personal service, retail, convenience and grocery store -- may require further discussion. The group has also talked about creating an ID2 District in the Dascomb Road area to create flexibility and provide relief from the side yard and front yard setback requirements. The setbacks are currently 100 feet and flexibility in this warehousing/industrial area would allow businesses to have a bigger footprint by going further to Interstate 93. All of the uses would still fall under the Planning Board's Major Non-Residential process and would have to meet all requirements already in place, but there would be additional special permit criteria. The use would be allowed via the Planning Board. The Board discussed what falls underneath personal services and which services or uses should be conveyed to the working group to be considered for an allowed use.

Mr. Materazzo informed the Board that the Board of Selectmen approved the TIF application for 800 Federal Street. This should come before the Economic Assistance Coordinating Council by the end of September. He also informed the Board that there may be a special Town Meeting due to the availability of some additional monies that the Town would need authorization to expend.

Merrimack College:

The Board opened the public hearings that were continued from the July 10th meeting on an application by Merrimack College for a Site Plan Review Dover Use for six new residential buildings. Felipe Schwarz, Assistant Vice President for External Affairs at Merrimack College addressed the Board regarding the revisions of the project since the previous meeting. He informed the Board that Merrimack has closed their public hearing with the Conservation Commission, and they have also gone through drainage peer review with the ESS Group. The project has been downsized to include only 5 buildings. The 6th building known as Building No. 4 on the original plans will not be part of this project. The Hamel Health Center and the existing townhouse will now remain. Mr. Schwarz stated that removing Building No. 4 from the plans addressed most of the concerns that the abutting neighbors had expressed. The status of Building No. 4 will be considered further throughout the campus Master Planning process. Ms. Duff agreed that some of the neighbor concerns went away with the removal of that building, but questioned Mr. Schwarz on the sewer capacity. Mr. Schwarz replied that the Merrimack has been in contact with the Department of Public Works and is committed to studying the system around the college in the fall during construction. Once the information is gathered they will be

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able to make an assessment as to what improvements will be required. Chris Lovett of VHB explained that they believe that groundwater is infiltrating the pipes and taking up capacity. During the summer months, groundwater is at its lowest, so the fall would be a better time to conduct a study when the groundwater is higher. Any issues found during the assessment would be resolved prior to occupancy of the 5 new buildings. Ms. Loder asked what type of live security Merrimack currently has on campus. Bob Coppola, Director of the Physical Plant replied that there is a campus police department of 28 officers; 14 full time and 14 on call or part time officers. Mr. Schwarz also said that Merrimack is looking to place a security camera system throughout campus. Mr. Macaux asked about parking and if the plan was to use the existing parking on campus to accommodate the additional residents. Mr. Schwarz answered that there would be no additional parking, and outlined all of the initiatives Merrimack is adopting to encourage students and faculty not to bring their cars on to campus. These initiatives include joining the Merrimack Valley TMA, having Zipcar and a downtown shuttle on campus, and encouraging biking and carpooling. Ms. Duff, Chair, opened the floor for public comment and disclosed that the meeting minutes are recorded and published online, any input from the audience (including their names and addresses) will be appear in the published minutes, and all Board meetings are broadcast on television and available for viewing. Dan Gagnon, 58 Brookfield Road, asked if the pipe on Rock Ridge Road is large enough to handle the extra sewerage. Mr. Lovett replied that it is, but a study needs to take place to see if there is inflow and infiltration of groundwater and surface runoff that is taking up a large capacity of the pipe. There will be smoke testing and TVing of the lines to figure out where water may be coming into the system, and where repairs need to take place if necessary. Mr. Gagnon asked if repairs were going to be made on Rock Ridge Road. Mr. Lovett explained that repairs would be made wherever the system required and that the line goes through Rock Ridge Road and Fox Hill Road to Elm Street. Mr. Schwarz stated that neighbors will be informed before any smoke testing or the like is done and will be kept up to date of any progress. Mr. Gagnon asked if the pipe itself was of adequate size. Mr. Lovett answered that it was as long as it is only taking sewerage. Jeff Raymond, 18 Fox Hill Road asked if the Phase II building is simply being put off a year just to try to get the project going. Mr. Schwarz replied that they are going to take another look at the plans and figure out if there is a better solution than the Phase II building that hasn't been considered yet. Mr. Lovett explained that it is only a potential building site and the College may find that there is a more suitable place for housing elsewhere on campus. Mr. Raymond asked about traffic, and his concern that the emergency exits in his neighborhood will become an entrance or exit from campus. Ms. Byerley explained that the emergency exits are not proposed to be an entrance or exit and that the gates are going to be changed to electronic gate systems so it should lessen the amount of people who can get through those access gates. Mr. Macaux made a motion seconded by Mr. Chiozzi to close the public hearings for Merrimack College. **Vote:** Unanimous (5-0) Ms. Byerley reviewed her memo to the Board dated August 10, 2012. She offered 13 conditions to the Inspector of Buildings. She explained that conditions 1-8 are standard conditions and 9-13 are more specific to the project. Ms. Loder asked if condition no. 4 that referred to school buses also pertained to the proposed shuttle buses. Ms. Byerley replied that it was only for school buses. Ms. Duff asked if more specific language should be used for condition no. 6 which pertained to exterior lighting. Ms. Byerley replied that a lighting plan was not received because most of the lighting is interior, and with the removal of Building No. 4, lighting from the new buildings will be buffered by the existing buildings. On a motion by Ms.

Merrimack College (cont'd):

Loder seconded by Mr. Macaux the Board voted to issue a favorable recommendation to the Inspector of Buildings an application by Merrimack College which includes the 13 conditions discussed this evening on the for a Site Plan Review Dover Use. **Vote:** Unanimous (5-0)

Minutes:

On a motion by Ms. Loder seconded by Mr. Chiozzi the Board voted to approve the minutes of June 12, 2012, as submitted. **Vote:** Unanimous (5-0)

On a motion by Ms. Loder seconded by Mr. Chiozzi the Board voted to approve the minutes of June 26, 2012 as submitted. **Vote:** (4-0-1). Joan Duff, Lelani Loder, Vincent Chiozzi and Eric Macaux voting yes and Jay Doherty abstained from voting.

On a motion by Ms. Loder seconded by Mr. Chiozzi the Board voted to approve the minutes of July 10, 2012 as submitted. **Vote:** (4-0-1). Joan Duff, Lelani Loder, Vincent Chiozzi and Eric Macaux voting yes and Jay Doherty abstained from voting.

Adjournment: The meeting was adjourned at 8:23 p.m.